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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,223	06/06/2000	Patrick H. Dwyer	QVA 1844.08A	9434

7590 11/23/2001  
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EXAMINER

MAHONEY, CHRISTOPHER E

ART UNIT PAPER NUMBER

2851

DATE MAILED: 11/23/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/589,223

Applicant(s)  
Dwyer et al.

Examiner  
Christopher E Mahoney

Art Unit  
2851



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☒ Claim(s) 2-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other:

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## **DETAILED ACTION**

### ***Preliminary Matters***

1. This Office Action supersedes the Office Action mailed October 3, 2001 and is presented to aid the applicant in expediting prosecution of the present application by presenting the grounds of rejection in further detail. Accordingly, the applicant's period for response is restarted to 3 months from the mailing date of this Office Action.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the non-adjustable mounting must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

### ***Specification***

3. The disclosure is objected to because of the following informalities: Page 8 appears to have spurious "###" on lines 16 and 18.

Appropriate correction is required.

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***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 3-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is a lack of antecedent basis for the "said gears" as recited in claims 3-5.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 2 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Spottiswoode (U.S. Pat. No. 2,891,441). Spottiswoode teaches a method of controlling the convergence of two cameras comprising providing two gears 17 17' each mounted on a separate shaft 18 18' and synchronized to the movement of the other. A gear provided on a separate shaft 20 is provided to simultaneously drive the two gears

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as well as means 21 to rotate the gear driver. The applicant is directed to review figures 2, 3, and 6 as well as column 1, line 70 to column 2, line 2 and column 2, line 47 to column 3, line 16. It is the examiner's position that the claim is anticipated by Spottiswoode. However in order to expedite prosecution, the following is presented. The method steps as recited are obvious in view of the apparatus as disclosed. Therefore it would have been obvious at the time the invention was made for one of ordinary skill in the art to provide the steps of providing the gears as disclosed above for the purpose of producing the end product camera system disclosed in Spottiswoode.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inaba (U.S. Pat. No. 5,778,268). Inaba teaches providing two gears (threading at 13) with a feature on the top surface for mounting a camera. The rotation of each gear is synchronized with the rotation of the other and each gear is able to rotate in either direction. Means 14 are provided for rotating the gears in either direction. Inaba does not teach that the gears are provided on separate shafts or a third "gear" to rotate the two separate gears. It would have been obvious at the time the invention was made for one of ordinary skill in the art to make the gears on two separate shafts,

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since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v Erlichman*, 168 USPQ 177, 179. Upon separation a third gear on a separate shaft would be required in order to synchronize the original two gears.

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lipton (U.S. Pat. No. 4,418,993). Lipton teaches providing a non adjustable mounting for one camera C1 and an adjustment mechanism for the other camera C2. As can be seen in figure 1 the distance between the cameras is adjusted along 40. Claim 4 teaches that the pitch roll and yaw of one camera may also be adjusted. Lipton does not teach that identical adjustment mechanism (i.e. two brackets held at three points utilizing springs and adjustable screws). The applicant has not disclosed that the two brackets held together at three points by adjustable screws and a spring located in the middle to apply a force opposite to the adjustable screws, is for any specific purpose or solves any stated problem, and it appears that any mechanism for movement of only one of the cameras would work equally as well, therefor it would have been obvious design choice at the time the invention was made for one of ordinary skill in the art to two brackets held together at three points by adjustable screws and a spring located in the middle to apply a force opposite to the adjustable screws.

11. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett (U.S. Pat. No. 4,768,049). Barrett teaches the salient features of the claimed invention except for two cameras. It would have been obvious at the time the invention was made for one of ordinary

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skill in the art to include a second camera for the purpose of simultaneous stereoscopic photography.

*Allowable Subject Matter*

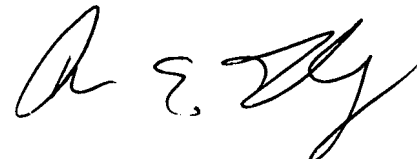
12. Claim 1 is allowed.

*Conclusion*

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Christopher Mahoney at telephone number (703) 305-3475. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams, can be reached at (703) 308-2847. The fax number for this Group is (703) 305-34[31,32]. Any inquiry of a general nature or related to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

CM  
November 7, 2001



**Christopher E. Mahoney**  
**Primary Examiner AU2851**